

REMARKS

Claims 11-19 are pending on the present application. Of these claims, 11-13 and 15 have been rejected, 14 has been objected to, and 16-19 have been allowed. By this amendment claim 11 has been amended. The Applicants respectfully request reconsideration of the rejections based on the following comments.

Before presenting the remarks concerning the patentability of the claims, the Applicants wish to thank the Examiner for granting a personal interview with the Applicants' representative on February 12, 2004. During that interview, it was argued that the rejection of method claims 11-13 and 15 appeared to be inconsistent with the allowance of apparatus claims 16-19 because similar elements occur in the method and apparatus claims. Notwithstanding, the examiner maintained that claim 11, in particular, was anticipated by Rohani et al. and alleged that an example of different claim language between the elements of claim 11 and claim 16 included the language "each of said active time slots being followed by the inactive time slot in which no data has transmitted" found in claim 16. Although the Applicants respectfully disagree with this assertion because the language "each of which is followed by an inactive time slot in which no data is transmitted" found in previously presented claim 11 essentially as claim 16 is the same. Nonetheless, the Applicants have amended claim 11 to change the word "which" to "the active time slots" so that there is no confusion as to the intended reference to the active time slots. The Applicants maintain, however, that this amendment in no way changes the intended scope of the claim, but merely serves to perhaps more clearly define the claim elements.

Claims 11 and 13 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Rohani et al, (U.S. Patent No. 5,390,166). The Applicants respectfully traverse this rejection for the following reasons.

Amended claim 11 features the element of "transmitting data in a number of time slots using a time-division multiplex method, said data being transmitting [✓]inactive time slots, wherein, each of the active time slots is followed by an inactive time slot in which no data is transmitted, ^{Said} set inactive time slot having a time duration shorter than a time duration of an active time slot." In contrast, Rohani merely teaches a frame 40 having time slots for transmitting (e.g., time slot 41) and receiving (e.g. time slot 43) and time slots for switching frequencies, (e.g., time slot 42). Although Rohani teaches that a subscriber may not require a full-time slot in which to change

frequencies, the reference still only teaches that the system may be designed to receive a transmission burst and change frequencies in a single time slot. As an example, Rohani suggests slots 44 and 45 can be portions of a single time slot. Notwithstanding, this teaching is not tantamount to a teaching that meets or suggests the claim element of "each of the active time slots as followed by an inactive time slot in which no data is transmitted, ^{said} ~~set~~ inactive time slot, having a time duration shorter than a time duration of inactive time slot."

Furthermore, Rohani does not teach the claim element of "transmitting data in a number of time slots using a time-division multiplex method." That is, the frame shown in Fig. 4 of this data only contains a single transmit time slot 41, whereas all other "active" time slots (e.g., 43) are used to receive data. No teaching or suggestion is given, however, that the base transmitters 14-16 transmit data in a number of time slots where the data is "transmitted in active time slots, wherein each of the active time slots is followed by an inactive time slot in which no data is transmitted" as featured in claim 11. Such teaching could not even be inferred from Rohani, because the frame 40 shown in Fig. 4 and accompanying text (e.g., col. 3, 11. 53-55), teaches that a subscriber receives the same data from each of the different transceivers 14, 15, 16 by switching frequencies to be able to receive from each of these transceivers. Thus, Rohani actually would teach away from any inference or suggestion since the carrier frequencies of the transceivers 14-16 appear to be constant, such that the mobile subscriber switches between these fixed frequencies in order to receive substantially the same data from each of these respective transceivers during time slots 43, 45 and 47.

In light of the foregoing comments, the Applicants respectfully submit that independent claim 11 is not anticipated by Rohani and request that the rejection of this claim be withdrawn, accordingly.

With respect to independent claims 12, 13 and 15, these claims are believed to be allowable on their merits and also due to their dependencies on independent claim 11.

The Applicants thank the Examiner for indicating that claim 16-19 are allowable and submit that the remaining claims 11-15, which contain similar claim elements, are also allowable over the prior record. Accordingly, the Applicants request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Patrick B. Law

Reg. No. 41,549

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 781-6801

Dated: April 14, 2004